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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/991,937

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Kozo Akiyoshi

13824

8844

7590

09/23/2004

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EXAMINER

KASSA, YOSEF

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/991,937

**Applicant(s)**

AKIYOSHI ET AL.

**Examiner**

YOSEF KASSA

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17, 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 18-20, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/25/01
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 18-20, 23 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Takagi (U.S. Patent 6,522,338).

With regard to claim 18, Takagi discloses referring to data on only one of the two images, i.e., input color data, in interpolating colors of pixels of the two images (see input and output image data which reads on the two images), while data on colors of the two images are utilized at a stage of the matching computation (see col. 11, lines 29-41) and, as a result thereof, data on the two images are referred to in interpolating positions of pixels of the two images (see col. 11, lines 63-col. 12, line 5).

With regard to claim 19, Takagi discloses pixels of the two images are selected alternately, so that a color thereof is used alternately (see col. 11, lines 47-55).

With regard to claim 20, Takagi discloses acquiring a matching result computed between a first image, i.e., input image, and a second image, i.e., output image, (see col. 10, lines 24-32); and varying a position of a pixel included in the first image by incorporating, i.e., interpolating, the matching result into the first image (see col. 11, lines 11-22) and thus generating an intermediate image between the first image and the second image without referring to the second image (see col. 11, lines 41-46).

Claim 23 is similarly analyzed as claim 20. Except, the additional limitation of "a computer program executable by a computer" (see col. 7, lines 28-38).

With regard to claim 24, Takagi discloses acquiring a first image, a second image, and a matching result between the first image and the second image (see col. 10, lines 24-32); and generating an intermediate image between the first image and the second image by interpolation (see col. 11, lines 41-46) such that only selected attributes of pixels are used in the interpolation while non-selected attributes of pixels are determined without interpolation (see col. 12, lines 8-14).

***Allowable Subject Matter***

2. Claims 1-17, 21 22 and 24 are allowed.

The following is an examiner's statement of reasons for allowance. The closest prior art of record failed to teach or suggest, interpolating the point on the first image and the point on the second image, wherein, interpolating, a coordinate of the point on

the first image and that of the point on the second image are effected in an interpolation computation and an original color of only one of the points is used in an interpolation result such that interpolation computation as to color is skipped. Therefore, in combination with all the other limitations claims 1-17, 21 22 and 24 are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Other Prior Art Cited***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. (5,781,196) to Streater discloses video compression by extracting pixel changes exceeding thresholds.

US Patent No. (6,639,691) to Acharya discloses block matching algorithm for color interpolation.

US Patent No. (6,088,038) to Edge et al discloses arrangement for mapping colors between imaging systems and method therefor.

US Patent No. (5,850,463) to Horii discloses facial image processing method and facial image processing apparatus.

US Patent No. (6,516,089) to McCann et al discloses in gamut image reproduction using spatial comparisons.

US Patent No. (6,560,358) to Tsukada discloses color matching method, color matching apparatus and medium having a matching readable product.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (703) 306-5918. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH MEHTA can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communication and (703) 872-9306 for after Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-5631. The group receptionist number for TC 2600 is (703) 305-4700.

**PATENT EXAMINER**

Yosef Kassa

09/13/04.

A handwritten signature in black ink, appearing to read 'Yosef Kassa', is written over the printed name and date.